

## SIXTY-NINTH DAY

(Monday, May 22, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Hudson

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, we would begin this new day by lifting our eyes unto the hills from whence cometh our help. Teach us how to behave under the fret of care; the sting of criticism; and the tension of these times. Keep us from harm and temptation. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 19, 1961, was dispensed with and the Journal approved.

## Leave of Absence

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Owen.

## Special Notice Given on Executive Session

Senator Dies gave notice that he would on tomorrow move for an Executive Session following the Morning Call.

## Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 294.

The House has adopted the Conference Committee report on Senate Bill No. 100 by a non-record vote.

The House refused to concur in Senate amendments to House Bill No. 384 and has requested the appointment of a Conference Committee to consider the differences between the two Houses by vote of 83 ayes, 55 noes.

House has appointed the following Conference Committee: Ballman, Chairman, Hinson, Koriath, Murray, Wilson of Trinity.

S. B. No. 14, Establishing and providing for a state mentally retarded school; regulating and providing for the operation of same; and declaring an emergency.

H. B. No. 136, A bill to be entitled "An Act amending Chapter I of H. B. 11, Acts of the Fifty-Sixth Legislature, Third Called Session, revising the penalties for failure to pay the amounts due and failure to file reports when due under the provisions of Chapters 3, 4, 5, 9, 10, 11, 18, 19, 20, 21 and 22; providing a penalty for failure to file a report and pay the amount due under the provisions of Chapter 23; providing for the acceptance of postmark as being sufficient compliance with the due date, wherever required; providing an effective date; and declaring an emergency."

H. B. No. 157, A bill to be entitled "An Act to amend Chapter 471 (page 830) of the Acts, 52nd Legislature, Regular Session, 1951, as amended, compiled as Vernon's Civil Statutes, Art. 3731a, by amending Section 1, Section 2, inserting a new section 2a, and amending Sections 4 and 5

so as to provide for admissibility of a greater number of domestic and foreign records admissibility of foreign laws as evidence of the matters contained therein, and for authentication of such records and foreign laws; and declaring an emergency."

H. B. No. 177, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution to be known as 'Rio Grande Palms Water District'; defining its powers; abolishing Cameron County Water Control and Improvement District No. 20; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act to amend Article 581-29 of the Revised Civil Statutes of the State of Texas, as amended in Acts 1957, 55th Leg., p. 575, chapter 269, No. 29 being a section of the Texas Security Law setting the penalty, to increase the penalty for a violation of same; and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act authorizing the State Parks Board to enter into agreements for participation of local units of government in operation and maintenance of State Parks; providing that the State Parks Board may enter into interagency contracts for maintenance of State Parks with the State Highway Department; providing a severability clause; providing a savings clause; and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act amending Section 3 of Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended, to provide that owners of certain types of commercial motor vehicles used exclusively by incorporated nonprofit disaster relief organizations and are used solely for emergencies shall be required to register such vehicles but shall not be required to pay registration fees; providing procedures to be followed by the owners of such vehicles; and declaring an emergency."

H. B. No. 691, A bill to be entitled "An Act amending Section 3 of House Bill 352, Acts of the Forty-fifth Legislature, Regular Session, 1937, Chapter 436, Page 893, as amended (codified as Article 5221c of Vernon's Revised

Texas Statutes), relating to the inspection of boilers; revising the list of boilers exempt from the provisions of the Act; and declaring an emergency."

H. B. No. 706, A bill to be entitled "An Act to amend Article 3930 of the Revised Civil Statutes of Texas, 1925, as amended by Act 1957, 55th Legislature, Regular Session, Chapter 228, page 477; this amendment relates to fees which county clerks and clerks of county courts shall receive for their services in counties having 1,200,000 or more population according to the latest Federal Census, subject to the adoption of this Act by the commissioners' Court of a county otherwise qualified; providing for increased fees for instruments not meeting specified standards; containing a repealing clause repealing all laws and parts of laws, including but not limited to those parts of Articles 260-1, 843, 848, 912a-10, 950, 951, 1285, 3914, 3930, 4477 Rule 51A, 4524, 4546, 4562, 4590d, 5238, 5333, 5447, 5451, 5498, 5506a, 5506C, 5925, 5926, 6635, 6636, 6641, 6644, 6662, 6898, 6899-1, 6927, 7328, 7362, and 7517, Revised Civil Statutes of Texas, 1925, in conflict, and to the extent of conflict only, with the provisions of this Act; containing a saving clause; and declaring an emergency."

H. B. No. 768, A bill to be entitled "An Act relating to annual independent audit of books, records and accounts in counties having assessed valuation of \$245,000,000 or more; and declaring an emergency."

H. B. No. 800, A bill to be entitled "An Act amending Ch. 279 of the Acts of the 56th Leg. (being the Act creating 'Red River Authority of Texas') by adding Sec. 32 repealing Sections 16, 19 and 25 of said Chapter; adding Sec. 33 enabling the authority to contract and enter into such agreements as may be necessary to accomplish the purposes for which it was created; and Sec. 34 providing for certain general powers; Sec. 35 enabling the authority to acquire and operate certain water improvement and distribution systems; and Sec. 36 declaring an emergency."

H. B. No. 921, A bill to be entitled "An Act amending Article 1334 of the Penal Code of Texas, 1925, to provide for the inclusion of electrical transmission lines in addition to oth-

ers specified therein, and also to add the offense of selling or attempting to sell to the other offenses provided for therein; and declaring an emergency."

H. B. No. 965, A bill to be entitled "An Act declaring certain areas in Alazan Bay, Kleberg County, and in Laguna Madre in the counties of Cameron, Willacy, Kenedy, Kleberg, and Nueces in the State of Texas, to be the 'Laguna Madre Wildlife Management Area,' providing exceptions for oil and gas and fishing; providing for markers; providing a suitable penalty for hunting therein; providing that the Game and Fish Commission may permit the shooting of certain waterfowl and order a season for such taking; repealing all conflicting laws; and declaring an emergency."

H. B. No. 1080, A bill to be entitled "An Act relating to Pension Systems for Policemen in certain cities, amending Section 9 of Chapter 76, Acts of the Fiftieth Legislature, as last amended (codified as Section 9 of Article 6243g-1 of Vernon's Texas Civil Statutes), relating to eligible investments for surplus pension funds; and declaring an emergency."

H. B. No. 1092, A bill to be entitled "An Act limiting the provisions of this Act to Webb County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said county at any time; to take, kill or trap any furbearing animal in said county; to take or attempt to take any freshwater fish or other aquatic life in said county by any means or method; prescribing the legislative policy with respect to the wildlife resources in said county; conferring upon the Game and Fish Commission authority to regulate by proclamation, order, rule or regulation the taking of the wildlife resources of said county; requiring the Game and Fish Commission to make investigation with respect to the depletion and waste of the wildlife resources of said county; requiring the Commission to provide an open season or period of time when it shall be lawful to take, a portion of the wildlife resources of said county; defining depletion and waste; providing for the issuance of the antlerless deer permits and permits for the hunting and taking of pronged horn antelope or wild elk; providing for the adop-

tion of proclamations, orders, rules and regulations of the Game and Fish Commission; providing for a public hearing and publication of notice thereof; providing for the effective period of regulations; providing for the publication of the regulations; providing the authority of the Commission is not limited; providing venue of the Commission is not limited; providing venue for suits to test the validity of this Act and of the rules and regulations of the Commission; providing a penalty for false swearing; providing a penalty for the violation of any of the provisions of this Act, as well as any order, rule or regulation of the Commission; providing for the forfeiture of licenses; making it unlawful to purchase a new license and providing a penalty therefor; defining wildlife resources; repealing certain laws and providing that Article 901, 902, and 924a, of the Penal Code of the State of Texas shall remain in full force and effect; providing for the effective date of this Act; providing a saving clause; and declaring an emergency."

H. B. No. 1095, A bill to be entitled "An Act making lawful the taking and selling of catfish with certain nets in the Sabine River and its tributaries in Smith, Upshur and Wood Counties; creating a uniform commercial netting law to conform to the counties bordering Smith, Upshur, and Wood Counties; and declaring an emergency."

H. B. No. 1106, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Brown County Water Control and Improvement District-Holiday Hills; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; defining powers of District; conferring on District the rights, powers, privileges, authority and duties of the general laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference;

providing for no election for confirmation and no hearing for exclusions and no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; authorizing District certain rights, powers and authority for and in connection with its systems, facilities and other things necessary to the fulfillment of its purposes whether within or without the boundaries of the District, and related matters; providing for governing body of District; providing for qualifications and bonds of directors; naming first board of directors and provisions for failing to call director elections and related matters; providing directors to fill vacancies; providing for organization of board of directors; providing for employment of engineers, attorneys, fiscal agents and employees; providing for sale and price of bonds and refunding bonds; providing for exchange of bonds or refunding bonds for property acquired or in payment of contract price for work done or materials or services furnished and providing for price of bonds or refunding bonds in such exchange; providing for bonds and refunding bonds to be approved by Attorney General of Texas and registered by the Comptroller of Public Accounts and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; making bonds and refunding bonds eligible investments; making inapplicable certain provisions of Article 7880-77b, Vernon's Texas Civil Statutes, as amended, to the District; exempting property and bonds of District from taxation and related matters; providing District shall bear expense of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; enacting other provisions related to the aforementioned subjects; abolishing Brown County Fresh Water Supply District No. 1 and its governing body for all purposes on effective date of this Act; providing for a severability clause; and declaring an emergency."

H. B. No. 1109, A bill to be entitled "An Act amending Chapter 43, Acts 1954, 53rd Legislature, First Called Session, as amended by Chapter 225, Acts 1957, 55th Legislature, (Vernon's Annotated Civil Statutes, Article 1269j-5), by adding a new Sec-

tion to make bonds issued by any city having a population of 150,000 or more according to the next preceding Federal Census, for airport purposes eligible as security for public funds and as investments for certain funds; enacting other matters related to the subject; and declaring an emergency."

H. B. No. 1110, A bill to be entitled "An Act creating "Escondido Watershed District" under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that a confirmation election or hearing on exclusion of lands or hearing on adoption of a plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; specifying the purposes and powers of the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes for improvements, maintenance, operation and administration of the District; providing that the District shall bear the expense of any necessary relocation, raising, or re-routing facility or property of any utility; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure deposits of public funds; exempting the District's bonds from taxation; enacting a savings clause; declaring the District essential; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 1115, A bill to be entitled "An Act amending Sections 1, 2, 3, 4, and paragraph (d) of Section 5 of Chapter 9, Acts of the 56th Legislature, First Called Session, 1959, as amended by Chapter 61, Acts of the 57th Legislature, 1961, relating to the creation, administration and financing of the Hospital District co-extensive with County Commissioners Precinct No. 4 of Comanche County; and declaring an emergency."

H. B. No. 1120, A bill to be entitled "An Act ratifying, confirming and validating the creation, establishment and Boundaries of Fannin County Water Control and Improvement District No. 3 (Lower Bois d'arc Water District). the organization, confirmation election and election of directors

for the District and all proceedings relating thereto; granting said District the powers enumerated by Article XVI, Section 59 of the Constitution of Texas and declaring an emergency."

H. B. No. 1131, Applicable to all Cities contained in any County which has, in conjunction with an adjoining County, created a joint Board of Park Commissioners under the provisions of Chapter 137, Acts of the Fifty-sixth Legislature; authorizing any such city to sell and convey land to such joint Board of Park Commissioners or to such counties; providing the method of making such conveyance; enacting other provisions related to the subject; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 479 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	

#### Absent

Owen

#### Absent—Excused

Hudson

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Hardeman and Ratliff:

S. B. No. 479, A bill to be entitled "An Act requiring every person, firm or corporation within this State engaged in the business of making loans at interest, to file annually with Secretary of State an affidavit stating that such person, firm or corporation has not, within the preceding year, made any loan in the principal sum of Two Thousand Five Hundred Dollars (\$2500) or less for a greater rate of interest than ten per cent (10%) per annum; providing a penalty for the violation hereof; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

#### Motion to Place

#### House Bill 3 on Second Reading

Senator Hazlewood asked unanimous consent to suspend the regular order of business and take up H. B. No. 3 for consideration at this time.

There was objection.

Senator Hazlewood then moved to suspend the regular order of business and take up H. B. No. 3 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

#### Yeas—17

Aikin	Moffett
Baker	Ratliff
Calhoun	Reagan
Colson	Roberts
Creighton	Rogers
Fuller	Secrest
Hardeman	Smith
Hazlewood	Weinert
Lane	

#### Nays—13

Crump	Moore
Dies	Owen
Gonzalez	Parkhouse
Herring	Patman
Kazen	Schwartz
Krueger	Willis
Martin	

#### Absent—Excused

Hudson

#### Conference Committee on House Bill 334

Senator Lane called from the Pres-

ident's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 334 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Lane, Reagan, Fuller, Hardeman and Creighton.

#### Motion to Place House Bill 363 on Second Reading

Senator Dies asked unanimous consent to suspend the regular order of business and take up H. B. No. 363 for consideration at this time.

There was objection.

Senator Dies then moved to suspend the regular order of business and take up H. B. 363 for consideration at this time.

The motion was lost by the following vote:

#### Yeas—9

Crump	Martin
Dies	Moore
Gonzalez	Schwartz
Kazen	Willis
Krueger	

#### Nays—18

Aikin	Parkhouse
Baker	Patman
Calhoun	Ratliff
Creighton	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Lane	Smith
Moffett	Weinert

#### Absent

Colson	Owen
Herring	

#### Absent—Excused

Hudson

#### Senate Bill 53 on Second Reading

Senator Rogers moved to suspend the regular order of business and take up S. B. No. 53 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Owen
Baker	Patman
Creighton	Ratliff
Crump	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Kazen	Secrest
Krueger	Smith
Moffett	Willis
Moore	

#### Nays—9

Calhoun	Martin
Dies	Parkhouse
Fuller	Roberts
Gonzalez	Weinert
Lane	

#### Absent

Colson	Herring
--------	---------

#### Absent—Excused

Hudson

The President laid S. B. No. 53 before the Senate on its second reading with a committee amendment and a substitute for the committee amendment pending (the bill having been read the second time on Friday, May 19, 1961).

Question—Shall the substitute by Senator Rogers for the committee amendment to S. B. No. 53 be adopted?

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

S. B. No. 403, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

S. B. No. 360, A bill to be entitled "An Act amending Section 18 of Chapter 101, Acts of the 43rd Legislature, 1st Called Session, 56th Legislature, Regular Session, 1959, relating to the firemen and policemen pension fund; and declaring an emergency."

S. B. No. 316, A bill to be entitled "An Act providing for the incorpora-

tion of Dental Health Service Corporations under the Texas Non-Profit Corporation Act; adding an exception to the Dental Practice Act; and providing for severance, repealing, and emergency clauses."

S. B. No. 261, A bill to be entitled "An Act amending Section 16(a) of Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended, to provide for an increase in penalties for misrepresentation and false statements made in applications for unemployment insurance; and declaring an emergency."

S. B. No. 467, A bill to be entitled "An Act amending Chapter 18, Acts of the 55th Legislature, First Called Session, 1957, pertaining to the Bell County Water Control and Improvement District No. 6; finding a benefit to all land and other property within the District; providing District was and is created to serve a public use and benefit; defining the boundaries of the District; finding a closure and related matters; etc.; and declaring an emergency."

S. B. No. 320, A bill to be entitled "An Act amending various sections of Chapter 137, Acts of the Fifty-sixth Legislature; making the Joint Board of Park Commissioners a body corporate and politic and providing that title to the park properties and facilities shall be vested in said board; relieving the county officials and commissioners' courts of certain duties and responsibilities with respect to the functions of said board and the issuance of the bonds under this Act; etc.; and declaring an emergency."

S. B. No. 386, A bill to be entitled "An Act amending Article 7641-b of the Revised Civil Statutes of Texas of 1925, as amended, so as to provide for dividing Water Improvement Districts organized or operated under Chapter 2 of Title 128, Revised Civil Statutes of Texas of 1925, when such Districts are operated under contract with the Department of the Interior of the Government of the United States, into divisions for the election of Directors thereof; validating and confirming all orders heretofore made by the Board of Directors of such Districts dividing said Districts into divisions, and validating and confirming all elections heretofore held; etc.; and declaring an emergency."

S. B. No. 286, A bill to be entitled "An Act amending Section 59 of the Texas Probate Code; clarifying the requirements for certification of self-proved wills; and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act to amend Article 3.40 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, Page 916, Chapter 363, Section 13, as further amended by Acts of 1959, 56th Legislature, Page 890, Chapter 411, Section 4) pertaining to investments by life, health or accident insurance companies in real estate by adding to said Article a paragraph permitting such companies to acquire, secure, retain, hold and convey production payments subject to restrictions and limitations; repealing conflicting laws and parts of laws to the extent of such conflict; and declaring an emergency."

S. B. No. 431, A bill to be entitled "An Act regulating the possession, transportation, and sale of live coypu (nutria) and providing for the granting of permits by the Game and Fish Commission for such possession, transportation, or sale; providing penalties; and declaring an emergency."

S. B. No. 219, A bill to be entitled "An Act changing the terms of Court of the 109th Judicial District, composed of the counties of Andrews, Crane and Winkler; prescribing the terms of the court; etc.; and declaring an emergency."

S. B. No. 445, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 36, Page 544, Acts, Regular Session, Forty-sixth Legislature, 1939, as amended by House Bill No. 611, being Chapter 562, Page 914; General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, and being codified in Vernon's Texas Civil Statutes as Section 2 of Article 695c, by amending Subsection (3) thereof; increasing the per diem of members of the State Board of Public Welfare; etc.; and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act providing that directors, employees and engineers of any district or authority created by Act of the Legislature of the State of Texas under Article XVI, Section 59 of the Constitution and having the power to

provide a water supply for municipal or other uses shall have the same authority as is conferred upon the directors, employees and engineers of water control and improvement districts by Section 49, Chapter 25, Acts of the Thirty-ninth Legislature with reference to making surveys and attending to other business of the district or authority; and declaring an emergency."

S. B. No. 406, A bill to be entitled "An Act authorizing the State Soil Conservation Board to contract for the development of work plans for watershed protection and flood prevention; and declaring an emergency."

S. B. No. 388, A bill to be entitled "An Act providing for the compensation of the Official Shorthand Reporter of the 23rd Judicial District of Texas and the 130th Judicial District of Texas; providing for the manner of payment; providing that if any section, paragraph, sentence, clause, phrase, or any part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict to the extent of such conflict only; and declaring an emergency."

S. B. No. 213, A bill to be entitled "An Act validating the annexation of territory by all cities and towns of five hundred (500) inhabitants or less heretofore incorporated under the General Laws of Texas, and being located partially within two counties; validating the boundary lines thereof; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of any annexation; and declaring an emergency."

S. B. No. 161, A bill to be entitled "An Act establishing a juvenile board in Dawson County; prescribing the membership and powers of the board and providing for the compensation of its members; authorizing the board to appoint a juvenile officer; prescribing the power and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

S. B. No. 273, A bill to be entitled "An Act concerning release of persons from State Hospitals and Special

Schools by writs of habeas corpus; and declaring an emergency."

S. B. No. 154, A bill to be entitled "An Act amending Art. 21.47 of the Insurance Code; providing for venue for prosecutions; repealing Art. 21.48 of the Insurance Code with savings clause; and declaring an emergency."

S. B. No. 462, A bill to be entitled "An Act authorizing and empowering Counties having less than 20,000 population according to the last or any succeeding Federal Census and any City or Cities therein located to finance, construct, maintain and operate jail, jails or jail facilities for the joint and mutual use of such Counties and City or Cities; authorizing the issuance of bonds and expenditure of funds therefor; authorizing the Commissioners Court of said Counties and the governing bodies of said city or cities to enter into contracts for the financing, construction, maintenance, and operation of such jails; providing a repealing clause; providing a severability clause; and declaring an emergency."

S. B. No. 197, A bill to be entitled "An Act amending Chapter 43, Acts 1954, 53rd Legislature, First Called Session, as amended by Chapter 225, Acts 1957, 55th Legislature (Vernon's Ann. Civil Statutes Art. 1269j), by adding a new Section to make bonds issued for Airport purposes eligible as security for public funds and as investments for certain funds; enacting other matters related to the subject; and declaring an emergency."

S. B. No. 201, A bill to be entitled "An Act to amend Section 1 of Chapter 25 of the general laws of the 54th Legislature, Regular Session, 1955, which is codified as Section 1 of Article 2815-r1 of Vernon's Texas Civil Statutes, so as to authorize the governing board of any junior college district or union junior college district to acquire land for buildings and other structures and for additions to existing buildings and other structures by eminent domain."

S. B. No. 463, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as El Paso County Water Control and Improvement District—Westway; etc., and declaring an emergency."



S. B. No. 415, A bill to be entitled "An Act amending Chapter 273, Acts of the 55th Legislature, Regular Session, 1957, pertaining to the Elm Creek Watershed Authority of Bell, Milam, Falls and McLennan Counties; finding a benefit to all land and other property within the Authority; providing Authority was and is created to serve a public use and benefit; defining the boundaries of the Authority; finding a closure and related matters; etc., and declaring an emergency."

S. B. No. 284, A bill to be entitled "An Act to amend Article 3.39 of the Insurance Code; to add a new Article to the Insurance Code to be identified as Article 3.39a, restricting certain activities of insurance companies; and declaring an emergency."

S. B. No. 419, A bill to be entitled "An Act amending Article 21.28, Section 8(e) and 8(f) of the Texas Insurance Code of 1951, as amended, and adding thereto Sections 8(g) and 8(h), providing for the handling of unclaimed dividends, return assessments and other funds; the recovery of such funds by the owner thereof within 2 years; notice and hearing; and prescribing method for the declaration of such funds as abandoned property and the property of the State Board of Insurance, and the use to be made of such funds; and providing that the Act be liberally construed, that its sections be severable; and declaring an emergency."

S. B. No. 61, A bill to be entitled "An Act amending Chapter 402, Section 4, Sub-Section E, and Section 5, Sub-Section D, Paragraph 1, Acts of the 55th Legislature, Regular Session, so as to grant State employees, who executed waivers in the Employees Retirement System of Texas, the privilege of qualifying all of their service as a State employee for retirement purposes, and setting forth the conditions and requirements to permit such service to be granted; granting State employees, who withdraw funds from the Employees Retirement System of Texas and cancel their accounts, the privilege of reinstating all of their State service for retirement purposes, and setting forth the conditions and requirements to permit such service to be granted; etc., and declaring an emergency."

S. B. No. 439, A bill to be entitled

"An Act authorizing eligible counties as defined therein, to acquire a supply of natural gas for the courthouse and other county purposes and providing for the acquisition of such distribution facilities as may be required; providing the circumstances under which such county may sell natural gas not needed for courthouse and other county purposes to others; providing for the issuance of bonds to pay the cost of the project; etc.; and declaring an emergency."

S. B. No. 458, A bill to be entitled "An Act amending Chapter 171, Acts of the Fifty-Sixth Legislature, Regular session, relating to Tom Green County Water Control and Improvement District No. 1, by providing an additional method of detaching land from, and adding land to said district; prescribing the effect of failure to hold an election within the time prescribed, resulting favorably to the assumption of district's outstanding bonds and district's obligations under its contract with the United States Government; enacting other provisions related to the subject; and declaring an emergency."

S. B. No. 409, A bill to be entitled "An Act validating the additions of land and annexations to Dallas County Water Control and Improvement District No. 6; and declaring an emergency."

S. B. No. 73, A bill to be entitled "An Act amending Section 6, Senate Bill No. 222, 55th Legislature, Regular Session, as amended, by Senate Bill No. 10, 56th Legislature, 2nd Called Session, providing for the removal of offices; and declaring an emergency."

S. B. No. 357, A bill to be entitled "An Act amending Article 2.08 of Chapter 2, of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, page 413, Chapter 117, Section 9, and as amended by Acts of the 1959, 56th Legislature, page 250, Chapter 145, Section (1), to provide that items of minimum capital stock and minimum surplus shall consist only of cash; bonds of this State or of the United States; other evidences of indebtedness guaranteed as to principal and interest by the United States; insured first mortgages on unencumbered real estate in

this State, provided that investment in such note shall not exceed one-half of the minimum capital stock and minimum surplus of the investing company; and in bonds or other interest bearing evidences of indebtedness of any counties, cities, or other municipalities of this State; etc.; and declaring an emergency."

S. B. No. 435, A bill to be entitled "An Act to validate annexation proceedings of Home Rule cities where such annexation took place prior to the 1st day of March, 1961, and validating all proceedings and contracts and the exercise of dominion and governmental functions over such annexed territory; and declaring an emergency."

S. B. No. 255, A bill to be entitled "An Act relating to the establishment of speed limits on turnpikes operated by the Texas Turnpike Authority, amending Section 8 of Chapter 42, Acts of the 41st Legislature, 2nd Called Session, as amended by Chap. 46, Acts of the 52nd Legislature, 1951, and by Chap. 488, Acts of 1955, 54th Legislature (now codified as Sec. 8 of Art. 827a of Vernon's Penal Code), by the addition of a new sub-section to be entitled Sub-section 2A, and further providing that evidence obtained by hidden or concealed means shall be inadmissible in prosecutions for such traffic violations; and declaring an emergency."

S. C. R. No. 67, Recalling S. B. No. 294 from the Governor's office for further consideration.

S. C. R. No. 68, Authorizing Enrolling Clerk to make certain corrections in House Bill No. 761.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1084, Closing the open season for hunting wild buck deer, wild turkey gobblers and collared peccary or javelina in Justice Precinct No. 1 in Kenedy County; exempting an area therein from application of

this Act; providing a penalty of a violation of this Act; and amending Chapter 260, Acts of the Fifty-sixth Legislature, 1959; providing a severability clause; and declaring an emergency.

H. B. No. 437, A bill to be entitled "An Act amending Sections 2, 3, 4, 5, 6, 7, 10, 11 and 13 of Chapter 187, Acts of the 56th Legislature, Regular Session, 1959, to clarify the research, investigations and studies to be conducted by and under the direction of the Game and Fish Commission; to change the definition of certain words and phrases; to eliminate certain words, phrases and definitions; to add certain words, phrases and definitions; to make certain acts illegal; to prescribe various enforcement and licensing procedures and regulations; to prescribe certain conditions, times and places under which shrimp may be caught or taken, and exceptions thereto; to regulate the selling and disposition of certain shrimp; to prescribe certain penalties and forfeitures to provide for venue in certain cases; to repeal all laws or parts of law in conflict to the extent of such conflict; to provide a savings clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Concurrent Resolution 71

Senator Reagan offered the following resolution:

S. C. R. No. 71, Authorizing the Enrolling Clerk of the Senate to make certain corrections in S. B. No. 71.

Be It Resolved, By the Senate, the House of Representatives concurring, that the Enrolling Clerk of the Senate be and is hereby authorized to correct Senate Bill No. 71 by adding after the word "fourteen" in the 2nd sentence of Section 14 the words "of Title 32."

The resolution was read.

On motion of Senator Reagan and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 72

Senator Reagan offered the following resolution:

S. C. R. No. 72, Authorizing the En-

rolling Clerk to make certain corrections in S. C. R. No. 42.

Whereas, S. C. R. No. 42 has been recalled from the Governor for further consideration; and

Whereas, Said resolution constituted permission for the Nueces Company to bring suit against the State of Texas, said resolution carrying the usual clause relating to no admission of liability and requiring proof of a claim in court; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Enrolling Clerk of the Senate be and is hereby directed to correct said resolution so as to perfect same in the interest of the State, the correction being purely technical and non-substantive.

The resolution was read.

On motion of Senator Reagan and by unanimous consent the resolution was considered immediately and was adopted.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 56, Designating Public School Week—March 5th through 9th, 1962.

S. C. R. No. 43, Requesting the Governor of Texas to establish within the Executive Department the position of State Coordinator of Aging Services.

S. C. R. No. 47, Resolution granting to Condon-Cunningham, Inc., permission to sue the State of Texas. (With amendment.)

S. C. R. No. 69, A Resolution granting the Sisters of Charity, of the Incarnate Word, permission to sue the State of Texas.

S. C. R. No. 55, Suit against State—Industrial Gas Supply Corporation. (With amendment.)

S. C. R. No. 65, Granting Connecticut General Life Insurance Company permission to sue the State.

S. C. R. No. 64, Granting permission to T. J. Poole, Jr., Donald K. Poole, Mark K. Poole, Frances Poole Burke and husband, George Burke, Susan Poole Barbour and husband, J. Lane Barbour, Thomas Jeanne Keen, a widow, Fannie Louise Devant, a widow; Jessie Lea Davis and husband, Milam Davis, Kathryn Poole Burbank and husband, Reginald Burbank, Beatrice Elese Schultz and husband, James H. Schultz, James L. Ducroz, Charles A. Ducroz and Ethel Ducroz Wilson and husband, Harvey A. Wilson, to bring suit against the State of Texas, the School Land Board and the Commissioner of the General Land Office in any court of competent jurisdiction in Brazoria County.

S. C. R. No. 60, Granting permission to Texas Gulf Construction Company, Inc., to sue the State of Texas and the State Highway Department of the State of Texas.

H. B. No. 231, A bill to be entitled "An Act to revise and arrange certain statutes of this State relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts into a consistent whole and under a single title, preserving the substantive law as it existed immediately prior to the passage of this Act; providing a severability clause; providing a savings clause; repealing certain statutes relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts; and declaring an emergency."

H. B. No. 975, A bill to be entitled "An Act relating to liability of property annexed to the Bistone Municipal Water Supply District for bonds issued by the District prior to the annexation of the property, amending Section 5(j) of Chapter 368, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills and Resolutions on First Reading

The following bills and resolutions received from the House, were read the first time and referred to the committees indicated:

H. C. R. No. 46, To the Committee on Jurisprudence.	H. B. No. 1096, To the Committee on Game and Fish.
H. C. R. No. 101, To the Committee on Jurisprudence.	H. B. No. 1097, To the Committee on Game and Fish.
H. B. No. 158, To the Committee on Jurisprudence.	H. B. No. 1098, To the Committee on Counties, Cities and Towns.
H. B. No. 159, To the Committee on Jurisprudence.	H. B. No. 1108, To the Committee on Game and Fish.
H. B. No. 162, To the Committee on Public Health.	H. B. No. 1126, To the Committee on Water and Conservation.
H. B. No. 166, To the Committee on Jurisprudence.	H. B. No. 1129, To the Committee on Counties, Cities and Towns.
H. B. No. 185, To the Committee on Jurisprudence.	H. B. No. 1092, To the Committee on Game and Fish.
H. B. No. 374, To the Committee on Insurance.	H. C. R. No. 72, To the Committee on Education.
H. B. No. 436, To the Committee on Jurisprudence.	H. C. R. No. 76, To the Committee on State Affairs.
H. B. No. 551, To the Committee on Jurisprudence.	H. C. R. No. 80, To the Committee on Education.
H. B. No. 553, To the Committee on Jurisprudence.	H. C. R. No. 96, To the Committee on Jurisprudence.
H. B. No. 576, To the Committee on Jurisprudence.	H. C. R. No. 98, To the Committee on Education.
H. B. No. 639, To the Committee on State Affairs.	H. J. R. No. 55, to the Committee on Constitutional Amendments.
H. B. No. 711, To the Committee on State Affairs.	H. J. R. No. 68, To the Committee on Constitutional Amendments.
H. B. No. 818, To the Committee on State Affairs.	H. B. No. 86, To the Committee on State Affairs.
H. B. No. 819, To the Committee on Game and Fish.	H. B. No. 120, To the Committee on State Affairs.
H. B. No. 832, To the Committee on Jurisprudence.	H. B. No. 141, To the Committee on Jurisprudence.
H. B. No. 943, To the Committee on Jurisprudence.	H. B. No. 238, To the Committee on State Affairs.
H. B. No. 1006, To the Committee on State Affairs.	H. B. No. 665, To the Committee on Counties, Cities and Towns.
H. B. No. 1114, To the Committee on State Affairs.	H. B. No. 771, To the Committee on Privileges and Elections.
H. B. No. 1037, To the Committee on Jurisprudence.	H. B. No. 829, To the Committee on State Affairs.
H. B. No. 1071, To the Committee on Counties, Cities and Towns.	H. B. No. 830, To the Committee on Agriculture and Livestock.
H. B. No. 1086, To the Committee on Counties, Cities and Towns.	H. B. No. 833, To the Committee on Jurisprudence.
H. B. No. 1088, To the Committee on State Affairs.	H. B. No. 834, To the Committee on Counties, Cities and Towns.

H. B. No. 835, To the Committee on Counties, Cities and Towns.

H. B. No. 859, To the Committee on Education.

H. B. No. 650, To the Committee on Jurisprudence.

#### Joint Session

(To hear the address of the Honorable John B. Connally, Secretary of the Navy)

The President announced at 11:45 o'clock a.m. that the time had arrived pursuant to the provisions of S. C. R. No. 62 for the Joint Session to hear the address of the Honorable John B. Connally, the Secretary of Navy.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:45 a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President was invited to occupy a seat on the Speaker's Stand.

Mr. Connally and party, accompanied by Mrs. Connally, Governor and Mrs. Price Daniel, were announced by the Doorkeeper of the House.

Mr. Connally's party was escorted to the Speaker's rostrum by Senators Herring, Roberts, Hardeman, Krueger and Martin, on the part of the Senate, and Representatives Foreman, Dewey, Koriath, Percy, Spears and Kennard, on the part of the House.

The President called the Senate to order, and announced a quorum of the Senate present.

Honorable James Turman, Speaker of the House of Representatives, called the House to order, and announced a quorum of the House present and the purpose of the Joint Session.

The Speaker presented Senator Herring and he presented as members of Secretary Connally's party: Captain William Anderson of the United States Navy, Colonel Ed Wheeler of the Marine Corps and Commander Jim Jenkins of the United States Navy.

Senator Herring then presented Mrs. Connally, the former Idanell Brill of Austin to the Joint Session.

Senator Herring then presented the Honorable John B. Connally, the Secretary of the Navy to the Joint Session.

Secretary Connally then addressed the Joint Session.

At the conclusion of the Joint Session the President announced the purpose of the Joint Session concluded and requested the Senate to retire to its Chamber.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 12:17 o'clock p.m.

#### Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred S. B. No. 227, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 478, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 1129, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Senator Colson by unanimous consent submitted the following reports:

Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 878, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLSON, Chairman.

Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 879, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLSON, Chairman.

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,  
May 22, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 971, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WILLIS, Chairman.

**House Bill 1129 Ordered Not Printed**

On motion of Senator Fuller and by unanimous consent H. B. No. 1129 was ordered not printed.

**Senate Bill 478 Ordered Not Printed**

On motion of Senator Schwartz and by unanimous consent S. B. No. 478 was ordered not printed.

#### Message from the Governor

The following message received from the Governor today was read

and was referred to the Committee on Nominations:

Austin, Texas,  
May 22, 1961.

To the Senate of the Fifty-Seventh Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Adjutant General, effective July 1, 1961: Brigadier General James E. Taylor of Austin, Travis County.

To be Assistant Adjutant General: Brigadier General Thomas S. Bishop of Austin, Travis County.

Respectfully submitted,  
PRICE DANIEL  
Governor of Texas

#### Senate Joint Resolution 22 with House Amendments

Senator Hazlewood called S. J. R. No. 22 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Hazlewood moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

#### Welcome Resolution

S. R. No. 509—By Senator Martin: Extending welcome to students, teachers and sponsors of Malone Elementary School.

#### Adjournment

On motion of Senator Martin the Senate at 12:32 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

#### SEVENTIETH DAY

(Tuesday, May 23, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: